

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3193-01
BILL NO.: HB 1222
SUBJECT: Requires Registration of Certain Offenders
TYPE: Original
DATE: January 18, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>All</u> State Funds*	(Unknown)	(Unknown)	(Unknown)

* Unknown costs expected to exceed \$100,000 annually.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **State Public Defender, Department of Mental Health, Office of Prosecution Services, and Department of Elementary and Secondary Education** assume this proposal would have no fiscal impact to their agencies.

Officials from the **Office of State Courts Administrator** assume this proposal would modify the law on registration of sex offenders. Courts would be required to report the age of victims.

There is no current requirement that the age of a victim be reported to the court, unless it is an element of a particular offense.

If the victim's age was included in the information or indictment filed by the prosecutor, the court would know where to get the information required, and the costs to the judiciary should not be significant.

Officials from the **Department of Public Safety - Missouri State Highway Patrol's (MHP) Information System Division (ISD)** did not respond to our request for fiscal impact. However, for a similar proposal from the prior session, the ISD stated that this proposal would require the development of an Internet application to import data from the Sex Offender Registry and make it available as an Internet application. Application, interface and network support would be required. MHP officials assume they would request one (1) Computer Information Technologist II (\$35,364) to design, develop, acquire training, maintain the application and hardware, ensure security, and monitor the network infrastructure for the web site. Hardware and software to produce facial images which are compatible with the existing Automated Fingerprint Identification System (AFIS) would be required.

Oversight assumes the ISD could absorb the duties required in this proposal with existing resources.

Officials from the **Department of Public Safety - Missouri Highway Patrol's Criminal Records and Information Division (CRID)** did not respond to our request for fiscal impact. However, for a similar proposal from the prior session, the CRID stated that the number of records to be entered would be 5,000 (based on projections of the current number of records). Since this would be a new system for CRID, it is assumed that the same processing for checking an applicant would be used for all new offenders which starts the time process at 12.49 minutes per offender. Additional time would be necessary for preparing, scanning, and indexing the pictures of offenders and linking them to offender information. This time was estimated at 7.5 minutes. Therefore, the total estimated time per offender would be 20 minutes.

ASSUMPTION (continued)

Therefore, CRID officials they would request one (1) AFIS Data Entry Operator (\$18,576) to complete the estimated offender entries within a one year time frame ($5,000 \times 20 \text{ minutes} = 100,000 \text{ minutes}$ divided by $400 \text{ minutes per day} = 250 \text{ days}$ divided by $232 \text{ working days} = 1.08 \text{ FTE}$). CRID officials stated that currently, information being submitted for offenders is not highly quality control checked; therefore, more time would be spent on quality control for new offenders and quality control checks would be performed on any current offenders.

Oversight assumes the ISD could absorb the duties required in this proposal with existing resources.

Officials from the **Department of Corrections (DOC)** assumed the Board of Examiners of Sex Offenders' criteria created in this proposal specifies that three of the five members would be experts in the field of the behavior and treatment of sex offenders and employed by the DOC's Board of Probation and Parole (P&P). Two members of the board would be employed by DOC. As this proposal does not define the term "sex offender expert," the DOC was unable to determine if P&P currently employs such individuals. It is possible that additional qualified personnel would have to be employed by P&P as well as by the department to meet the requirements of this proposal. The DOC was unable to ascertain the amount of time board of examiners staff would be required to dedicate to the duties outlined within this proposal. Therefore, it is possible that DOC would request five additional professionals (as well as support staff) to perform the duties of the Board of Examiners of Sex Offenders if the workload demanded it.

DOC officials stated that new commitments which could result from creation of the offenses outlined in this proposal could not be accurately determined. In addition, changes in penalty provisions for current crimes could result in additional costs due to new commitments and/or longer sentences. The utilization of these laws for both new offenses and enhanced penalties for current offenses depend upon actions of prosecutors and the courts.

If additional persons were sentenced to the custody of the DOC due to the provisions of the proposal, the DOC would incur a corresponding increase in operational costs either through incarceration (average of at least \$35 per inmate, per day) or through supervision provided by the Board of Probation and Parole (average of at least \$3.50 per offender, per day).

DOC officials assume that this proposal, if enacted, would result in unknown, but possibly significant, fiscal impact to their agency.

ASSUMPTION (continued)

DOC officials also noted, that they were unable to determine the number of people that would be convicted and/or serve longer sentences under the provisions of this proposal in order to estimate the need for additional capital improvements. Estimated construction costs for one new inmate bed is \$48,300. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as entire facilities and/or housing units would have to be constructed to cover the costs of housing new commitments resulting from the cumulative effect of various new proposals, if adopted as statute.

Section 589.417.4 of this proposal states that "There shall be a board of examiners of sex offenders . . . Three members who shall be experts in the field of behavior and treatment of sex offenders and shall be employees of the board of probation and parole and the remaining two members shall be employees of the department of corrections." **Oversight** assumes for purposes of this fiscal note that DOC's P&P does not currently have anyone on staff who would qualify as an "expert in the field of behavior and treatment of sex offenders". Therefore, **Oversight** assumes P&P would have to hire three additional FTE with such expertise to comply with the provisions of this proposal.

This proposal would also make it a class D felony on the first offense for any person who is required to register pursuant to sections 589.400 to 589.425 to fail to timely verify registration information pursuant to section 589.414. Currently, the first offense is a class A misdemeanor. Oversight assumes there could be unknown fiscal impact from the increased penalties in this proposal in the form of increased incarcerations.

Oversight assumes that fiscal impact to DOC from this proposal could exceed \$100,000 in any given year.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections</u>			
Sex Offender Expert Personnel*	(Unknown)	(Unknown)	(Unknown)
TOTAL ESTIMATED EFFECT ON GENERAL REVENUE FUND*	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

* Unknown costs expected to exceed \$100,000 annually.

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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0
<u>FISCAL IMPACT - Small Business</u>			

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal would modify provisions relating to the registration of sex offenders. The changes include, but are not limited to the creation of a Board of Examiners of Sex Offenders which would consist of five members appointed by the Governor. Three of the members would be experts in the field of behavior and treatment of sex offenders and would be employees of the Board of Probation and Parole and the remaining two members would be employees of the Department of Corrections.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections
Department of Mental Health
Department of Elementary and Secondary Education
State Courts Administrator
Office of Prosecution Services
State Public Defender
Department of Public Safety - Missouri Highway Patrol



Jeanne Jarrett, CPA
Director
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